

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ARAB AMERICAN CIVIL RIGHTS  
LEAGUE, et al.,

Plaintiffs,

v.

Case No. 17-10310  
Honorable Victoria A. Roberts

DONALD TRUMP, et al.,

Defendants.

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**ORDER: (1) DENYING PLAINTIFFS' MOTION TO REINSTATE  
FULLY-BRIEFED MOTION TO COMPEL AND REQUIRE RESPONSES  
TO OUTSTANDING DISCOVERY REQUESTS [ECF No. 139]; and  
(2) NOTICE TO APPEAR FOR SCHEDULING CONFERENCE**

Plaintiffs challenge the constitutionality of Presidential Proclamation No. 9645, Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats ("Proclamation"), 82 Fed. Reg. 45161 (2017).

The Proclamation is the third iteration of the President's so-called Muslim "travel ban."

Plaintiffs filed this case after the President first issued the travel ban, and they amended the complaint each time a new version was issued. Their third amended complaint is the operative complaint challenging the Proclamation.

Before the Court is Plaintiffs' Motion to Reinstate Fully-Briefed Motion to Compel and Require Responses to Outstanding Discovery Requests ("Motion to Reinstate"). [ECF No. 139].

The motion to compel the Plaintiffs want reinstated was filed by Plaintiffs on May 26, 2017.

On June 9, 2017 – before the motion to compel was decided – the Court stayed this case pending Supreme Court review of a similar challenge to the travel ban.

On September 24, 2017, the President issued the Proclamation.

In an order dated November 16, 2017, the Court: (1) granted Plaintiffs leave to file a third amended complaint challenging the Proclamation; and (2) deemed Plaintiffs' motion to compel moot and informed Plaintiffs that they "must ask for discovery in the normal course, once Defendants answer . . . the [third] amended complaint."

Supreme Court review of the Proclamation lasted until June 26, 2018, when the Court issued *Trump v. Hawaii*, — U.S. —, 138 S. Ct. 2392 (2018).

Plaintiffs filed their third amended complaint in September 2018. Defendants moved to dismiss the third amended complaint. On July 10, 2019, the Court denied Defendants' motion to dismiss.

Plaintiffs filed their Motion to Reinstate on July 17, 2019. The motion is fully briefed.

Defendants filed an answer to the third amended complaint on July 31, 2019.

Plaintiffs' Motion to Reinstate [ECF No. 139] is **DENIED**.

As the Court directed in the November 16, 2017 order, Plaintiffs must engage in discovery in the normal course now that Defendants have answered the third amended complaint.

The limited discovery the parties engaged in before Plaintiffs filed their motion to compel was done in an expedited manner and subject to a modified process to streamline any objections. Discovery going forward will follow normal procedure, unless a party demonstrates that exceptional circumstances warrant otherwise.

Although the parties previously filed a discovery plan on July 6, 2017, that plan is outdated; it related to the second amended complaint – which contained different parties than the current complaint and challenged a prior version of the travel ban.

The parties must submit an amended joint Rule 26(f) discovery plan by **December 4, 2019**. Because the parties anticipate numerous discovery disputes, their joint plan must be comprehensive and detailed. The parties

must also comply with the Court's notice of scheduling conference, which will be entered separately.

Counsel must appear for a scheduling conference on **December 12, 2019 at 9:00 a.m.**

**IT IS ORDERED.**

S/ Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: November 1, 2019